

# CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes  
September 27, 2021

Regular meeting of the Common Council of the City of Glendale held in City Hall, 5909 North Milwaukee River Parkway, Glendale, Wisconsin.

The meeting was called to order by Mayor Bryan Kennedy at 6:00 p.m.

Roll Call: Present: Mayor Bryan Kennedy, Ald. Tomika Vukovic, Jim Daugherty, John Gelhard, Richard Wiese, Steve Schmelzling, and JoAnn Shaw. Absent: None.

Other Officials Present: Rachel Safstrom, City Administrator; John Fuchs, City Attorney; Mark Ferguson, Police Chief; Todd Stuebe, Director of Community Development; and Megan Humitz, City Clerk

## PLEDGE OF ALLEGIANCE.

The members of the Common Council, City staff, and all those present pledged allegiance to the flag of the United States of America.

## OPEN MEETING NOTICE.

Administrator Safstrom advised that in accordance with the Open Meeting Law, the local news media was advised on Thursday, September 23, 2021, of the date of this meeting; that the Agenda was posted on the official bulletin board of City Hall, the Glendale Police Department, and the North Shore Library; that copies of the Agenda were made available to the general public in the Municipal Building and the Police Department; and those persons who requested, were sent copies of the Agenda.

## PUBLIC HEARING: PETITION TO REZONE, 5201 NORTH PORT WASHINGTON ROAD (TAX PARCEL 196-9000-001). REQUEST SUBMITTED BY CHICK-FIL-A TO REZONE 5201 NORTH PORT WASHINGTON ROAD PROPERTY FROM B-1, B DISTRICT TO PD-PLANNED UNIT DEVELOPMENT-CHICK-FIL-A FAST SERVICE DRIVE-IN SERVICE ONLY DISTRICT

Joseph Vavrina from Chick-fil-A gave a brief presentation on the development of the proposed Chick-fil-A Fast Service Drive-In Service Only location. Jason Hill, a Chick-fil-A representative, was also present to answer questions. The presentation included the site plan, building perspectives and elevations, floor plan, landscaping design, and traffic plans. The proposed location will have no indoor or outdoor seating, and will be a dual drive-through only with multiple order points and a free standing canopy over the order points. There will be a small parking lot for team members only. The building itself is approximately 3,000 square feet, all brick with red metal paneling. Chick-fil-A is proposing adding a left turn lane into the facility with changed signal timing and adding a turn light to help reduce the possibility of backups on Port Washington Road. The traffic study conducted by a Chick-fil-A included an analysis at the Capital and Brookfield locations during midday and afternoon peaks for timing, it was determined the time from order placed to pickup is an average of 30 seconds, with the longest pickup at 45 seconds. The analyst determined with these averages, the drive through traffic will not make it out of the parking lot to back up onto the main road. Both of the other locations are older prototypes and are single lanes, while the Glendale location will be a dual lane all the way through, allowing for a continuous flow of traffic. There will be team members at order points and pickup windows to

keep things fluid, as well as a drive through door that will add as an extra window during peak times.

Mayor Kennedy raised the question if the public will be allowed inside the facility for use of the restrooms. Mr. Hill clarified this model is a drive through only restaurant, but will serve mobile customers and third party delivery services. There will be curbside delivery spaces, as well. In the “cockpit” meal fulfillment area, team members will be allowed to go in and out to deliver curbside orders or third party orders, however the public will not be allowed inside.

Ald. Schmelzling questioned how deep the left turn lane is intended to be. Mr. Vavrina stated based on recommendations it is 100 feet of storage with 120 foot taper. This was based on the timing of the signal from the traffic study, which included an analysis of lights and the overall flow of traffic.

Ald. Gelhard inquired about the parking spaces next to the drive up lanes and how the people in those spaces will come and go if the drive through is full, as well as the capacity for total vehicles in the drive through. Mr. Vavrina stated those are staff member parking spots, which should not have a need for staff members to be leaving the facility during peak hours. The approximate amount of vehicles from the drive through to pick up window is 32 cars, so an estimated 50-60 vehicles should be able to fit in the parking lot. Based on the service model this is expected to be sufficient. Mr. Hill added there is an option to have customers pull forward to keep the flow moving if a customer is unsure or needs to wait slightly longer.

Ald. Shaw questioned if the sign plan follows the requirements of the Plan Commission. Administrator Safstrom clarified that will be approved during the Specific Implementation Plan process.

Ald. Vukovic stated when she spoke with Chick-fil-A during the initial meeting, this site is different from a regular facility and there will be food constantly being made in order to quickly process orders, as well get people out of the main line of traffic if there is an issue. Mr. Vavrina stated this is still the intention and during non-peak times there is a possibility of shutting down one lane and only running one drive through lane if the flow of traffic dictates as such.

Ald. Wiese raised concern over larger vehicles turning in and blocking exit lanes or those leaving blocking the entrance, and would like to know what provisions have been made to prohibit this. Mr. Vavrina stated a normal entrance is 24 feet wide, and the proposed entrance will be 35 feet wide. This will allow a box truck to enter without encroaching and causing a backup. Ald. Vukovic stated it seems a larger issue is being made of the situation than necessary, as she travels Port Washington Road on a daily basis and unless there is major construction, there has never been a backup of traffic. She believes there may be a short period during the novelty of the opening of Chick-fil-A when traffic will be heavier than normal, but it will then wear off. Ald. Vukovic does not feel this location and planning affects residential, as this is a business area and the traffic flow should not be an issue.

Ald. Schmelzling raised a question for Chief Ferguson regarding what will happen if there are serious traffic backups. Chief Ferguson stated the most likely scenario would be a backup on

Port Washington Road, which would necessitate parking a squad and monitoring the situation and queuing up traffic until it subsides.

Ald. Wiese stated he is concerned over the heavy construction on I-43, which will increase traffic on Port Washington Road.

Ald. Vukovic asked what the estimated timeframe is from start to finish. Mr. Vavrina stated the plan is start development in Spring 2022 and complete the project by Fall 2022.

Ald. Gelhard raised the question if the developers needed to modify the property to add another drive through lane, could that be done. Mr. Vavrina state that would not be possibility, as there is not enough room on the site. Ald. Gelhard stated he is still concerned with the traffic situation and believes there will be backups onto Port Washington Road, and hopes there will be adjustments made.

Mayor Kennedy raised the question if there will be anything indicated on signage or elsewhere for buses or large groups, as there will not be a dining space. Mr. Hill stated that will be an operator decision, as it is not standard corporate protocol. As this is a new concept for the Chick-fil-A restaurant, it will take some time and working out of the issues for people to learn this is a drive-through only location.

Ald. Shaw questioned if there will be signage that the facility is a drive-through only site. Mr. Hill stated there is a not a specific sign design yet, and there has been corporate discussion, but they have not yet settled on a final signage plan. In initial plans there has been a plan to identify the location difference in its branding design versus through signage, as well as on the app.

Mayor Kennedy opened the public hearing. Glendale resident Dan Hess, 2055 W. Green Tree Road, stated he has heard that Chick-fil-A has a satisfaction rating of 87%, so people are clearly satisfied with them. Additionally, Mr. Hess stated that when American Family Field held a COVID-19 vaccination clinic, they brought in a Chick-fil-A employee to help with the queuing of the traffic, which indicates they are well-versed in traffic management. Mayor Kennedy called three times for anyone else on the Zoom call or in the Council Chambers that wished to speak for public comment. Hearing no public comment, Motion by Ald. Shaw to close the public hearing, seconded by Ald. Gelhard. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

Motion by Ald. Vukovic, seconded by Ald. Shaw, to approve the Ordinance to Rezone 5201 North Port Washington Road property from B-1, B District to PD-Planned Unit Development-Chick-fil-A Fast Service Drive-In Service Only District. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

#### PRESENTATION OF FINANCIAL REPORT FOR THE YEAR ENDING DECEMBER 31, 2019.

Paul Frantz of Baker Tilly was present on Zoom to give a brief presentation of the Financial Report for the Year Ending December 31, 2019. Mr. Frantz stated the City has earned a clean bill of health, which is the highest rating one can receive from an auditor and is up to date on accounting standards. The outcomes received were what the City was hoping to hear from their

external audit.

Ald. Schmelzling questioned if Baker Tilly has any recommendations for the City of Glendale. Mr. Frantz stated the City should focus on peak controls on central accounting and the timeliness of information being gathered and available.

PUBLIC COMMENT.

Glendale resident Dan Hess, 2055 W. Green Tree Road, expressed concern regarding the property at 2140 W. Edward Lane which continues to have ongoing problems with the trash receptacles being left at the curb for extended periods of time. Ald. Schmelzling indicated his has driven past the property and contacted the property owner but did not notify City staff. Mr. Hess also offered his gratitude for the excellent work on the sidewalk repairs in the area of Green Tree and Green Bay Road.

CONSENT AGENDA.

I. File No. \_\_\_\_\_

Adoption of Minutes of Meeting held on September 13, 2021 and Approval of Monthly Reports.

Motion by Ald. Wiese, seconded by Ald. Shaw, to adopt the minutes of the meeting held on September 13, 2021 and Approve Monthly Reports. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

UNFINISHED BUSINESS.

II. File No. \_\_\_\_\_

Review and approval of Release Settlement Agreement – Richard E. Maslowski Community Park – Foul Ball Issue.

Administrator Safstrom stated this item was laid over from the September 13, 2021 agenda. It has been confirmed that the agreement presented is acceptable to all parties.

Motion by Ald. Shaw, seconded by Ald. Wiese, to approve the Release and Settlement Agreement – Richard E. Maslowski Community Park – Foul Ball Issue as presented. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

NEW BUSINESS.

II. File No. \_\_\_\_\_

Notice of Claim – Tamara Maddente Gilmore.

Administrator Safstrom stated the City has received a claim from Germantown Mutual Insurance Company on behalf of Tamara Maddente Gilmore. Ms. Gilmore is stating her property suffered damages when a city owned tree fell onto the building. The claim procedure is mandated by statute. An individual cannot directly sue a municipality. It is the recommendation to deny the claim and send the appropriate letter of denial to the claimant.

Motion by Ald. Gelhard, seconded by Ald. Schmelzling, to deny the claim filed by Germantown Mutual Insurance Company on behalf of Tamara Maddente Gilmore.

Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None.  
Absent: None. Abstain: None. Motion carried.

III. File No. \_\_\_\_\_  
Notice of Claim – Leo Harper

Administrator Safstrom stated the City has received a claim from Leo Harper. Mr. Harper is stating his vehicle suffered damages when he struck a recessed water lateral. The City's insurance carrier, CVMIC, understands the City does take corrective action to repair defects in City streets when made aware of known problems. Based on this information, it is their opinion that the City is meeting the standard of reasonable care, which is the standard that municipalities are held to. It is the recommendation to deny the claim and send the appropriate letter of denial to the claimant.

Motion by Ald. Wiese, seconded by Ald. Gelhard, to deny the claim filed by Leo Harper. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

IV. File No. \_\_\_\_\_  
Resolution Designating the Public Depositories for the City of Glendale and Glendale Water Utility, Authorizing Withdrawal of City and Utility Funds of the City of Glendale.

Administrator Safstrom stated per State Statute and Municipal Code, the City of Glendale needs to pass a Public Depository Resolution authorizing City officials to deposit and expend funds on behalf of the City. With the change of staffing for Deputy Clerk/Treasurer it is found that this information was out of date. A resolution updating the banking information for the City as well as the authorized signatories has been provided to Council.

Motion by Ald. Shaw, seconded by Ald. Daugherty, to approve a Resolution Designating the Public Depositories for the City of Glendale and Glendale Water Utility, Authorizing Withdrawal of City and Utility Funds of the City of Glendale. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

V. File No. \_\_\_\_\_  
Review and approval of Planned Development Agreement – 555 West Estabrook Boulevard – The Fresh Group, Ltd. d/b/a Maglio Companies.

Administrator Safstrom stated the Plan Commission and Common Council held public hearings to review the rezoning request for 555 West Estabrook Boulevard from Planned Unit Development – Forrer Business Interiors to Planned Unit Development – Maglio Companies. There was no public comment at the Public Hearing. The Plan Commission and Common Council voted to recommend the Common Council approve the rezoning. The Plan Commission reviewed and approved the Specific Implementation Plan at their September 14, 2021, meeting. The final step in the process is for review and approval of the Planned Development Agreement. The agreement has been reviewed by the Developer as well as the City Attorney.

Motion by Ald. Vukovic, seconded by Ald. Daugherty, to approve the Planned Development Agreement – 555 West Estabrook Boulevard – The Fresh Group, Ltd. d/b/a Maglio Companies. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VI. File No. \_\_\_\_\_

Consideration of Resolution Approving the 2022 North Shore Fire Department Fees for Service Schedule.

Administrator Safstrom stated the North Shore Fire Department annually adjusts their fees for service. It is required that at least five of the seven municipalities approve the new fee schedule.

Motion by Ald. Shaw, seconded by Ald. Vukovic, to adopt the Resolution Approving the 2022 North Shore Fire Department Fees for Service Schedule. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VII. File No. \_\_\_\_\_

Consideration of Resolution Authoring an Exception to the Levy Limits for Charges for the North Shore Fire Department Pursuant to 2005 Wisconsin Act 484.

Administrator Safstrom stated the Wisconsin State Statutes allows for the communities with a joint fire department to increase their tax levy equal to the expenditure increase for any given year. To be able to utilize this option, all seven municipalities would have to approve a resolution. The Wisconsin Department of Revenue stated a resolution must be passed annually for any of the communities to utilize the option. Several of the communities, including Glendale anticipate using this option for the 2021 tax year.

Motion by Ald. Daugherty, seconded by Ald. Gelhard, to adopt the Resolution Authoring an Exception to the Levy Limits for Charges for the North Shore Fire Department Pursuant to 2005 Wisconsin Act 484. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VIII. File No. \_\_\_\_\_

Ordinance Amending and Recreating 2.3.7 of the Code of Ordinances of the City of Glendale pertaining to the office of City Attorney.

Administrator Safstrom stated recently we went through the process of recruitment and contracting for a City Attorney. As a result, a couple minor amendments are being presented. Staff recommends amending the ordinance to be appointed by the Mayor and confirmed by the Council; and also including a three-year term for the contracted services.

Motion by Ald. Daugherty, seconded by Ald. Gelhard, to approve an Ordinance Amending and Recreating 2.3.7 of the Code of Ordinances of the City of Glendale Pertaining to the Office of City Attorney. Ayes: Ald. Vukovic, Daugherty, Gelhard,

Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

IX. File No. \_\_\_\_\_

Ordinance Amending 5.6.5(a) of the Code of Ordinances of the City of Glendale Pertaining to False Alarm Service Charges.

Administrator Safstrom stated the Police Department tracks false police alarms and provides charge amounts monthly to the accountant for invoicing. False alarm charges are calculated using incremental amounts occurring within any 12- month period. A charge schedule based on a rotating 12-month period is cumbersome to track. The Police Department is requesting to change the charge schedule from a rolling 12-month period to a calendar year. An ordinance that amends the language from any 12-month period to each calendar year was provided.

Ald. Wiese questioned if the charges for false alarms apply to residences as well or are strictly for businesses. Chief Ferguson clarified they do apply to residential, however those rarely get up to the escalated amounts, so it typically only applies to businesses.

Motion by Ald. Shaw, seconded by Ald. Schmelzling, to approve the Ordinance Amending 5.6.5(a) of the Code of Ordinances of the City of Glendale Pertaining to False Alarm Service Response Charge Schedule. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

X. File No. \_\_\_\_\_

Schedule Special Council Meeting via Zoom for Review the NS Library Agreement.

Mayor Kennedy stated he wants to make the potential new NS Library Agreement available to the public for review. The Village of Fox Point has already approved the Resolution. Attorney Fuchs stated it is recommendation not to hold the Special Meeting via Zoom, as this will be one of the top issues facing the City and it should be done at an in-person meeting.

Administrator Safstrom suggested Wednesday, September 29, 2021, at 7:00p.m. for the meeting, as the other two municipalities are meeting at 6:00p.m. on the same evening and Glendale could wait to vote until after the other villages have approved the resolution.

Mayor Kennedy indicated he would make a copy of the draft agreement available after this meeting and would announce the Special Meeting on social meeting once tonight's meeting has been adjourned. As there has already been a public hearing, the information is not new information.

Ald. Schmelzling stated since not everyone on the Council has seen the agreement, he feels it is too soon to take any action.

Ald. Vukovic stated she raised similar questions with the City Administrator today regarding the rush to act on the agreement. However, she understands that that if we are not willing to go forward with this agreement, the developers would potentially have to go a different route and change plans and have a limited timetable to do so.

Mayor Kennedy questioned what the final deadline is to sign the agreement for NS Library Agreement. Administrator Safstrom stated a decision must be made by September 30, 2021.

Ald. Wiese raised the question if there is time to get the word out for people to attend the Special Meeting. Mayor Kennedy clarified it is not a public hearing and there will be no closed session at that meeting.

Ald. Schmelzling asked for clarification if the meeting will also be broadcast via Zoom. Administrator Safstrom indicated the meeting will be broadcast on Zoom.

Motion by Ald. Vukovic, seconded by Ald. Shaw, to Schedule a Special Council Meeting via Zoom for Review of the NS Library Agreement on Wednesday, September 29, 2021 at 7:00 p.m. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

#### COMMISSION, COMMITTEE AND BOARD REPORTS.

There were several updates from Council members, on the activities of the various Commissions, Committees and Boards on which they serve.

#### CLOSED SESSION.

Motion by Ald. Shaw, seconded by Ald. Wiese, to convene in Closed Session per Wis. Stats. §19.85(1)(e) for Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (North Shore Library Agreement Status; Police Union Negotiations; Sale of Property – 6435 N. Sunny Point Lane). Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried.

A closed session of approximately 53 minutes was held. The Council discussed the North Shore Library Agreement Status, Police Union Negotiations, and Sale of Property – 6435 N. Sunny Point Lane.

Motion by Ald. Gelhard., seconded by Ald. Daugherty., to reconvene to open session and regular order of business. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried.

#### ACTION ON CLOSED SESSION ITEMS.

No action was taken on items discussed during closed session.

#### ADJOURNMENT.

There being no further business, motion was made by Ald. Schmelzling, seconded by Ald. Gelhard, to adjourn the meeting. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried and adjournment of the Common Council was ordered at 8:07 p.m., until Monday, October 11, 2021, at 6:00 p.m.

Megan Humitz

City Clerk

Recorded: September 28, 2021.